



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/871,096 | 05/31/2001 | Mamoru Shimazaki | P/126-204 | 9305 |

7590 04/13/2004

Steven I Weisburd Esq
Dickstein Shapiro Morin & Oshinsky LLP
1177 Avenue of the Americas - 41 Floor
New York, NY 10036-2714

EXAMINER

QUINONES, ISMAEL C

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 2686 | |

DATE MAILED: 04/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/871,096 | SHIMAZAKI, MAMORU | |
| | Examiner | Art Unit | |
| | Ismael Quiñones | 2686 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 February 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. This Action is in response to Applicant's amendment filed on February 2nd, 2004. **Claims 1-5** are now pending in the present application. **This Action is made FINAL.**

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1 and 3-5** are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al. (U.S. Pat. No. 6,574,487).

Regarding **claim 1**, Smith et al. disclose an information processing apparatus (communication device, item 10; Abstract, line 1) comprising a hinge mechanism (Figs. 1 and 3, col. 4, lines 45-49) and first and second cases (Fig. 1, item 14 first housing) of which has front and back sides (Figs. 1-4), said first and said second cases coupled to each other through hinge mechanism (col. 4, lines 45-49) so that information processing apparatus (item 10) is folded with front sides of said first and second cases are faced to each other (Fig. 3 and Fig.4);

wherein said first case has a display unit (item 12, col. 5, lines 58-59) so that a displayed content of said display unit (item 12) can be seen from both the front and back

Art Unit: 2686

sides of said first case (Fig. 1 and 3, items 18 and 22; Abstract lines 5-8; col. 2, lines 46-52);

 said display unit (item 12) being provided with a liquid crystal display plate (col. 2, lines 38-39) having first and second sides and a pair of screens (screen or lenses), said screens being substantially transparent (col. 2, lines 43-44) and being arranged over the first and second sides of said liquid crystal display plate (col. 2, lines 60-62);

 said second case having at least one of operating buttons (keypad, Fig. 1; col. 2, lines 20-22;) for the operation of said information processing apparatus

Regarding **claim 3** and as applied to claim 1, Smith et al. disclose a first case (housing, Fig. 1, item 14) provided with a speaker for telephone talking (Fig. 1), and a second case provided with a microphone for telephone talking (user interface specified by Smith et al. for means of input/output operations, such as audio and display, col. 6, lines 29-32; see also col. 2 lines 20-22).

Regarding **claim 4** and as applied to claim 1, Smith et al. disclose an information processing apparatus comprising a control circuit (Fig. 5, item 82; col. 5, lines 25-28) for switching the display content of said display unit so that the display content is normally seen from any one of the front and the back sides of said first case (col. 4, lines 33-58).

Regarding **claim 5** and as applied to claim 4, Smith discloses an information processing apparatus (communications device, item 10) comprising a control circuit for switching the displayed content of the claimed display unit when at least one of said operating buttons is not touched for a predetermined time (it is inherent that once the information apparatus is closed or folded, the keys or operating buttons would not be

Art Unit: 2686

touched for a predetermined time, U.S. Pat. No. 6,574,487 *Smith et al.*; Fig. 4, therefore switching the display content at the back of the first case, U.S. Pat. No. 6,574,487 *Smith et al.*; Fig. 3; col. 1 lines 46-48), where the displayed content is normally seen in left and right directions from said backside of said first case (Figs. 3 and 4; col. 5, lines 63- col. 6, line 4).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (U.S. Pat. No. 6,574,487) in view of Weisshappel et al. (U.S. Pat. No. 5,857,148).

Regarding **claim 2** and as applied to claim 1, Smith et al. clearly disclose the claimed invention, except that the second case is provided with a battery.

In the same field of endeavor Weisshappel et al. clearly show a battery on the second case (second housing) of an information processing apparatus/portable electronic device (Abstract lines 3-4, and col. 3 lines 52-53).

Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to have Smith et al. communication device having 2 folding cases to include a battery pack on the second housing as taught by Weisshappel et

Art Unit: 2686

al., for the purpose of allowing considerable space to be saved in the first housing case for the dual side LCD display.

Response to Arguments

6. Applicant's arguments filed on February 2nd, 2004 have been fully considered but they are not persuasive.

In response to Applicant's arguments against paragraph 4 of the Office Action, that "Smith et al. does not teach or suggest having a display unit so that the content of the display unit can be seen from both of the front and the back side".

The Examiner respectfully disagrees with the Applicant's argument because Smith et al. clearly disclose that display content such as alphanumeric information (date, time, and caller ID tel. No.) can be seen through both sides of the display unit, said display unit being a liquid crystal panel comprised of two "viewports" (items 18 and 22), wherein said display unit further comprises a processor coupled to a driver circuit for driving the display contents based on the folded position of the communication device (with reference to the second "viewport", item 22), and its open position (with reference to the first viewport, item 18). See also col. 3, lines 5-11; col. 4, lines 33-58; and Figs. 1 and 3, items 18 and 22.

In response to Applicants' arguments against **claims 2 and 3-5**, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out

Art Unit: 2686

how the language of the claims patentably distinguishes them from the references. Therefore **claims 2 and 3-5** are still rejected because they depend on and include all the limitations of base **claim 1**.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any response to this Office Action should be **faxed to (703) 872-9306 or mailed to:**

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Crystal Park II
2021 Crystal Drive
Arlington, VA 22202
Sixth Floor (Receptionist)

9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Ismael Quiñones whose telephone number is (703) 305-8997. The Examiner can normally be reached on Monday-Friday from 8:00am to 5:00pm.

10. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9301.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose number is (703) 305-4700 or call customer service at (703) 306-0377.

Ismael Quiñones

I.Q

April 5, 2004

Marsha D. Banks-Harold
MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600